

4. This action is subject to removal because the amount in controversy exceeds \$75,000 and the suit is between citizens of different states. *See generally* 28 U.S.C. §1332.

5. First, the amount in controversy exceeds the sum or value of \$75,000. In the Complaint, Plaintiff seeks, among other things, general and special damages in excess of \$50,000; statutory damages in excess of \$150,000; punitive damages in the amount of \$25,000; a statutory civil penalty in an amount to be determined at trial; and an award of statutory attorneys' fees. *See* Complaint at 4-5. Plaintiff's damages claim, in this instance, conclusively establishes the requisite jurisdictional amount.

6. Second, this action is between citizens of different states. Plaintiff is a resident and citizen of the state of Minnesota. *See* Complaint ¶1. Defendant IHR is a corporation organized under the laws of the state of Delaware with its principal place of business in Virginia. *See id.* at ¶2. Accordingly, IHR is a citizen of the states of Delaware and Virginia. *See* 28 U.S.C. §1332(c)(1). Although not a defendant, Sunstone Hotel Properties, Inc., a subsidiary of IHR, is organized under the laws of Colorado and maintains its principal place of business in Virginia. Accordingly, Sunstone is a citizen of the states of Colorado and Virginia.

7. This Notice of Removal is filed within 30 days of the Defendants' receipt of the Complaint and is otherwise timely under 28 U.S.C. §1446(b).

8. As required by 28 U.S.C. §1446(d), Defendant is providing contemporaneously herewith a true and correct copy of this Notice of Removal to the Plaintiff and to the Clerk of the District Court for Olmsted County. A true and correct copy of the Notice of Filing Notice of Removal to be filed in the District Court for Olmsted County is attached hereto as Exhibit B.

WHEREFORE, Defendant hereby removes the pending state court action to the United States District Court for the District of Minnesota pursuant to 28 U.S.C. §§1441 and 1446.

Dated: May 10, 2013

Respectfully submitted,

GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on this 10th day of May 2013, I served the foregoing Notice of Removal by mailing it First Class U.S. Mail, postage pre-paid to, the following:

Alf E. Sivertson
Marit M. Sivertson
1465 Arcade Street
Saint Paul, MN 55106-1740

s/ Casey M. Nolan
Casey M. Nolan